

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

APPLIANCE COMPUTING III, INC.	§	
d/b/a SUREFIELD,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 6:20-cv-00376-ADA
	§	
REDFIN CORPORATION,	§	
<i>Defendant.</i>	§	

**DEFENDANT’S UNOPPOSED MOTION TO
HOLD MARKMAN HEARING VIA VIDEO-CONFERENCE**

The Markman hearing in this case is set for January 6, 2021. In light of the significant worsening of the COVID-19 pandemic in the recent weeks since entry of the Scheduling Order (Dkt. No. 25) and the projections that conditions will further deteriorate in the coming weeks, Defendant Redfin Corporation (“Redfin”) requests that the Court modify the upcoming hearing to occur via video-conference.¹ Conducting the hearing via video-conference will permit all counsel and party representatives to attend the hearing safely and without the need for quarantining restrictions upon travel home.² For the reasons stated above, Redfin respectfully requests that the Court conduct the hearing over a video-conferencing platform.

¹ After entering the Scheduling Order, this Court issued its Eleventh Supplemental Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 Pandemic ordering that all civil trials scheduled to begin on a date from December 10, 2020 through January 31, 2021, are continued. While allowing individual Judges to continue to hold in-person hearings, the court encouraged parties to participate in civil motion hearings by telephone or video. <https://www.txwd.uscourts.gov/wp-content/uploads/2020/12/OrderEleventhSupplementalCOVID121020.pdf>

² For example, Defendants’ lead counsel is located in California which currently has a 14-day quarantine restriction for individuals traveling in from several states, including Texas. California also has a ban on all out of state travel and all travel more than 150 miles except for essential travel. Additionally, counties in the California Bay Area have stay home orders. Further, the San Francisco and Santa Clara counties are among the strictest in California. Additional counsel for defendant is located in The State of Washington and the local requirements mandate that children with a family member who has traveled out

Redfin agrees to comply with any required procedures for the video hearing and to serve on the Court any presentation slides for the hearing no later than 36 hours prior to the scheduled start of the hearing and will also provide the Court electronically a list of: (a) all counsel who will participate during such hearing; (b) counsel who shall observe but not participate; (c) witnesses who may be called to give evidence; and (d) party representatives and other non-counsel who may observe but not participate in such hearing.

Counsel for Redfin has conferred with counsel for Plaintiff, who indicated that Plaintiff is not opposed to the relief requested in this Motion.

of the state must quarantine and remain out of school for 14 days. *See* <https://thepointsguy.com/guide/california-covid-19-shelter-in-place-quarantine-what-you-need-to-know/>

Dated: December 18, 2020

Respectfully submitted,

/s/ J. Thad Heartfield

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COUNSEL FOR DEFENDANT REDFIN CORP.

CERTIFICATE OF SERVICE

I certify that on December 18, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ J. Thad Heartfield
J. Thad Heartfield